<u>REMARKS</u>

Claims 1-27 stand pending in the instant application, with claims 7-27 allowed, and claims 1-6 rejected. More particularly, the examiner rejects claims 1-6 as indefinite under 35 U.S.C. § 112, second paragraph, and rejects claim 1 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,580,699 (the '699 patent).

In the above amendments, Applicant complies with the examiner's recommendations regarding the need to identify two or more PDSNs in claim 1. Claim 1 now calls out at least two PDSNs, and it is believed that such changes remove the examiner's 112 rejections of claims 1-6. (Note that claim 7 already called out more than one PDSN, but included one instance of the singular term "Node," rather than the more appropriate plural term "Nodes." Applicant corrected this typographical error in the above amendments for clarity, but points out that the correction is a non-narrowing amendment directed only to typographical informalities.)

Because the examiner's anticipation rejection fails as a matter of law, Applicant believes that addressing the above-noted informalities places the instant application in condition for immediate allowance. More particularly, Applicant believes that the examiner's rejection of claim 1 as being anticipated by the '699 patent fails as a matter of law for the simple reason that the '699 patent does not teach or suggest the invention of claim 1.

Claim 1, *inter alia*, requires "generating a record of unique PDSN Id numbers at the at least one PCF communicatively coupled between the first mobile station and the at least one two PDSN PDSNs," and "selecting a PDSN in response to the number of PDSN Id numbers in the record." The examiner asserts that Fig. 3 of the '699 patent teaches the step of generating a record of unique PDSN Id numbers at a PCF, but that assertion is in plain error. By no stretch of wording or logic can Fig. 3 or any other part of the '699 patent be argued as teaching or suggesting <u>generating a record of PDSN Ids</u> at a PCF (or base station). Indeed, Fig. 3 of the '699 patent, and the corresponding discussion in the '699 patent specification plainly contradict the examiner's assertions.

Fig. 3 of the '699 patent teaches nothing more than an old base station (BS-O 16) providing a Mobile Switching Center/Visitor Location Register (MSC/VLR) 22 with the Id of a mobile station's current PDSN 10, so that the MSC/VLR 22 can provide that

Id to a new base station (BS-N 18) in support of the mobile station 26 moving from the old base station to the new base station. Passing a single PDSN Id from an old base station to a new base station via messaging with a supporting MSC/VLR cannot be argued as teaching or suggesting generating a record of unique PDSN Ids at a PCF (or base station).

See, particularly, Step 30 of Fig. 3, wherein the Id of PDSN 10 is passed by BS-O 16 to MSC/VLR 22, and Step 36 of Fig. 3, wherein that same Id subsequently is passed from MSC/VLR 22 to BS-N 18 as part of MS 26 registering with BS-N 18. Further, while the examiner references col. 3, lines 57-65 of the '699 patent specification as additionally supporting his assertion that the '669 patent teaches generating a record of PDSN Ids, the cited portion of the specification actually contradicts the assertion by plainly stating that a parameter "PDSN ID" stores the Id of the PDSN to which BS-O 16 currently is connected.

Simply put, the examiner's 102 rejection fails as a matter of law because the cited passages of the '699 patent teach passing a single PDSN Id value between base stations in support of a mobile station moving between an old base station and a new base station. For this reason alone, the 102 rejection of claim 1 fails as a matter of law and must be withdrawn.

In a further misstatement of the '699 patent, the examiner asserts that col. 5, lines 26-32 of the '669 patent specification teaches a mobile station selecting a new PDSN based on a generated record of unique PDSN Ids. However, the cited text plainly states that a mobile station 26 uses information stored for its prior PDSN connection to participate in the selection of a new PDSN as part of tearing down an old R-P connection 32 and setting up a new R-P connection 34.

By definition, the prior PDSN connection involves a singular prior PDSN, i.e., one Id corresponding to one prior PDSN, and it stretches the actual disclosure of the '699 patent much too far to argue that the cited passage teaches selecting a PDSN based on a record of PDSN Ids stored at the PCF (or base station). Thus, the examiner's 102 rejection of claim 1 fails for the additional reason that the '699 patent cannot credibly be argued as teaching the selection step of claim 1.

Therefore, because the cited reference does not teach or suggest the invention of claim 1, it fails as an anticipating reference, and the examiner's 102 rejection of claim 1 must be withdrawn. Thus, Applicant believes that claim 1 stands in condition for allowance and, therefore, that the instant application as a whole stands in condition for immediate allowance and respectfully requests consideration as such.

Respectfully submitted,

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